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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,950	12/18/2000	Eugene E. Rhodes	199-1883	4815

7590 07/15/2003

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[REDACTED] EXAMINER

PATEL, NIHIL B

ART UNIT	PAPER NUMBER
3743	

DATE MAILED: 07/15/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Offic Action Summary</b>	Application No.	Applicant(s)
	09/739,950	RHODES ET AL.
	Examiner	Art Unit
	Nihir Patel	3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on RCE filed on June 13, 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by So US Patent No. 5,107,922. Referring to claim 1, So discloses optimized offset strip fin for use in contact heat exchangers that comprises a plurality of corrugated fins each having a base extending laterally and longitudinally in a strip and connecting member interconnecting the base and another one of the corrugated fins, the connecting member having a longitudinal length greater than a lateral width there of (see figures 3 and 4); and a plurality of offset louvers spaced along the base and extending longitudinally and generally perpendicular to the base in an alternating manner (see figures 3 and 4).

The applicant's statement "the offset louvers being rolled in a direction parallel to a longitudinal axis of the strip." is given no weight since it refers to method of manufacturing.

Referring to claim 2, So discloses optimized offset strip fin for use in contact heat exchangers that comprises a plurality of corrugated fin each having a base extending laterally and longitudinally in a strip and connecting member interconnecting the base and another one of the corrugated fins, the connecting member having a longitudinal length greater than a lateral width thereof (see figures 3 and 4); a plurality of offset louvers spaced along the base and

extending longitudinally and generally perpendicular to the base in an alternating manner (see figures 3 and 4); wherein the offset louvers extend longitudinally a predetermined distance.

The applicant's statement "the offset louvers being rolled in a direction parallel to a longitudinal axis of the strip." is given no weight since it refers to method of manufacturing.

Referring to claim 3, So discloses optimized offset strip fin for use in contact heat exchangers that comprises a plurality of corrugated fins each having a base extending laterally and longitudinally in a strip and a connecting member interconnecting the base and another one of the corrugated fins, the connecting member having a longitudinal length greater than a lateral width thereof (see figures 3 and 4); a plurality of offset louvers spaced along the base extending longitudinally and generally perpendicular to the base in an alternating manner, wherein the offset louvers are spaced laterally a predetermined distance along the base (see figures 3 and 4).

The applicant's statement "the offset louvers being rolled in a direction parallel to a longitudinal axis of the strip." is given no weight since it refers to method of manufacturing.

Referring to claim 4, So discloses optimized offset strip fin for use in contact heat exchangers that comprises a plurality of corrugated fins each having a base extending laterally and longitudinally in a strip and a connecting member interconnecting the base and another one of the corrugated fins, the connecting member having a longitudinal length greater than a lateral width thereof (see figures 3 and 4); a plurality of offset louvers spaced along the base and extending longitudinally and generally perpendicular to the base in an alternating manner, wherein the louvers extend generally perpendicular to the base a predetermined distance (see figures 3 and 4).

The applicant's statement "the offset louvers being rolled in a direction parallel to a longitudinal axis of the strip." is given no weight since it refers to method of manufacturing.

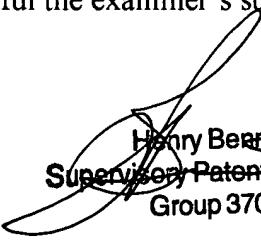
Referring to claim 5, So discloses optimized offset strip fin for use in contact heat exchangers that comprises a plurality of corrugated fins each having a base extending laterally and longitudinally in a strip and a connecting member interconnecting the base and another one of the corrugated fins, the connecting member having a longitudinal length greater than a lateral width thereof (see figures 3 and 4); a plurality of offset louvers spaced along the base and extending longitudinally and generally perpendicular to the base in an alternating manner; wherein the offset louvers have a generally "U" shaped cross-sectional shape (see figures 3 and 4).

The applicant's statement "the offset louvers being rolled in a direction parallel to a longitudinal axis of the strip." is given no weight since it refers to method of manufacturing.

### *Conclusion*

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Nihir Patel whose telephone number is (703) 306-3463. The examiner can normally be reached on Monday-Friday from 7:30am to 4:30pm. If attempts to reach the examiner by telephone are unsuccessful the examiner's supervisor Henry Bennett can be reached at (703) 308-0101.

  
Henry Bennett  
Supervisory Patent Examiner  
Group 3700

NP  
July 14, 2003